

REMARKS

By the preceding amendments, claims 1-13 and 18-24 are pending in this application. Of these, claims 1, 7, 9 and 21 are independent claims. Further and favorable reconsideration of the application is accordingly and respectfully solicited.

Response to Claim Objections:

The Office Action objects to claims 21-24 for the use of parenthesis in claim 21, but states that claims 21-24 would be allowable upon correction. Applicants have removed the parenthesis from claim 21 and now believe claims 21-24 are in condition for allowance. Applicants appreciate the allowance of these claims.

The Office Action also objects to claims 9-13 and 19 as being dependent upon a rejected claim, but states these claims would be allowable if rewritten in independent form including the base claim and all intervening claims. Applicants have amended claim 9 to be in independent form to include all intervening claims. Applicants therefore believe claim 9, and the claims that depend from claim 9 (claims 10-13, and 19), are now in condition of allowance, and respectfully request such allowance.

Response to Rejection of claims 1-8, 18 and 20:

The Office Action rejects pending claims 1-7 and 20 under 35 U.S.C. § 103(a) as being unpatentable over McAdam (5,562,179), and claim 8 under 35 U.S.C. § 103(a) as being unpatentable over McAdam as applied to claim 7 and in view of Georgoulis (6,062,716). The Action further rejects claim 18 under 35 U.S.C. § 103(a) as being

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unpatentable over McAdam (5,562,179) as applied to claim 7 and in view of Sh am t al. (5,499,690).

Generally, the invention as set forth in pending claims 1-8, 18 and 20 relates to a truck chassis configuration including at least two frame rails and an intermediate rail connecting the at least two frame rails. The chassis configuration further includes a forward wheel assembly and a rearward wheel assembly and an engine positioned adjacent the forward wheel assembly and attached to the frame rails such that at most only ten percent of the engine height extends above a top of the chassis frame rails.

In regard to claims 1-7 and 20, the Office Action states that McAdam discloses a powertrain that may be used for a fire truck chassis comprising at least two frame rails, at least one intermediate cross member, a forward wheel attached to a forward region of the chassis, a rearward wheel and an engine positioned adjacent the forward wheel assembly and attached to the two chassis frame rails. The Action further states that it appears that only ten percent of an overall engine height extends above a top of the chassis frame rails.

Applicants respectfully submit that independent claim 1, as previously amended, includes requirements not present in the cited reference. Independent claim 1, as previously amended, requires the engine positioned such that at most only 10 percent of the overall engine height extends above a top of the chassis frame rails. In contrast, McAdam appears to merely show an engine mounted in the vehicle for purposes of illustrating that an engine could be included. The invention disclosed in McAdam focuses on the frame and bridge configuration of the vehicle. There is no mention

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within the disclosure of McAdam of any consideration for the positioning of the engine height relative to the frame rails. Whereas in the present invention, the positioning of the engine is a critical aspect of the invention because of the applicability of this chassis configuration to large vehicles, such as fire trucks. A large vehicle, such as a fire truck, requires a large chassis and huge axles. Typically the large size of these components will interfere with the placement of the engine. Thus, the present invention provides a novel configuration for a fire truck by providing a chassis configured to accommodate the placement of an engine without interfering with the chassis. There is no discussion or disclosure in McAdam to suggest that mounting the engine such that only ten percent of the overall engine height would extend above the frame rails as required in claim 1, as previously amended.

Therefore, Applicants respectfully submit that claim 1, as previously amended is patentable for the reasons set forth above, as are the claims that depend from this claim, dependent claims 2-6. As such, applicants request removal of the rejection to all of these claims under 35 U.S.C. § 103.

As with claim 1, independent claim 7, as currently amended, requires the engine positioned such that at most only 10 percent of the overall engine height extends above a top of the chassis frame rails. As stated in the discussion above for claim 1, McAdam does not include this limitation. Further, independent claim 7, as currently amended further requires an engine tunnel disposed between the chassis frame rails and a cab attached to a forward region of the chassis frame having an inclined front section configured to conform to the dimensions of the engine tunnel. McAdam clearly does

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not disclose these limitations. Therefore, Applicants submit that claim 7, as currently amended, is patentable for the reasons set forth above as are the claims that depend from this claim (claims 8, 18 and 20). Applicants request removal of the rejection to all of these claims under 35 U.S.C. § 103.

As stated above, claims 8 and 18 are believed to be patentable because they depend from a patentable claim. Nevertheless, in further regard to these claims, there is no motivation or suggestion in McAdam, Georgoulis or Shearn et al. to combine these cited references. Further, even if one assumes for the sake of argument that it is proper to combine the cited references, the resulting combinations do not meet all the requirements of claims 8 and 18 as set forth in the above discussion. Applicants respectfully submit that the Examiner has not set forth a prima facie case of obviousness for these claims. Therefore, for the reasons set forth above Applicants respectfully request that the rejection of claims 8 and 18 under 35 U.S.C. § 103(a) be removed.

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CONCLUSION

In light of the foregoing, Applicants respectfully submit that each item set forth in the Office Action dated November 25, 2003 has been addressed. Accordingly, Applicants submit that claim 1, as previously amended, claim 7 as currently amended, claim 9, as currently amended, and claim 21, as currently amended are patentable for the reasons set forth above, as are the claims which depend from these independent claims (dependent claims 2-6, 8, 10-13, 18, 20 and 22-24). Applicants respectfully request all rejections be withdrawn, and that all claims pending 1-13 and 18-24 be allowed.

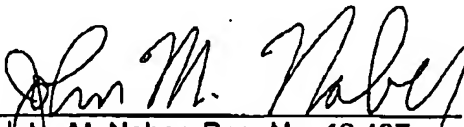
Examiner noted that the prior art of record was considered pertinent to Applicants' disclosure. Applicants have reviewed the prior art of record and contend they do not adversely bear on the patentability of the pending claims.

In the event any further matters requiring attention are noted by the Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited.

Respectfully submitted,

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